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September 27, 1994

VIA TELECOPY AND REGULAR MAIL

Mr. Joseph J. Nowak
Case Manager
New Jersey Department of Environmental
Protection & Energy
Division of Responsible Party Site Remediation
401 East State St., 5th Floor
CN 028
Trenton, NJ 08625-0028

Re: Hexcel Corporation
205 South Main St.
Lodi, Bergen County, New Jersey
Proposed Agenda
ISRA Case No. 86009
Our File No. 03598.23357

Dear Joe:

This note will confirm that on Monday, September 26, 1994 I called to request a meeting with you and whichever of your supervisors you felt were appropriate for Monday, October 3, 1994, at 1:00 p.m. I had specifically called to request this meeting in view of the fact that Mr. Robert Krumme, Vice Chairman of Hexcel Corporation, will be in New Jersey and is anxious to meet with the NJDEP.

Although we regret the short lead time provided for by this request, it is of critical importance to Hexcel that this

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meeting be scheduled on October 3 in view of the fact that a mediation meeting is scheduled in the litigation proceeding in California for the next day. It is the intention of Mr. Krumme and Mr. Newman to be able to convey to the mediation official appointed by the California Court the precise status of the ISRA investigation/remediation, the expectations of the NJDEP, the financial commitments of Hexcel, and the ultimate goal of the remediation.

This meeting would have several purposes.

First, Mr. Krumme is anxious to discuss the efficient completion of all ISRA responsibilities. He is not often in New Jersey and his availability on this date presents a unique opportunity for him to communicate directly with the NJDEP, to understand your concerns, and to provide immediate response to your questions concerning Hexcel's bankruptcy status. We anticipate that due to the urgent tone of your September 15 letter you will accommodate our request for this meeting so as to expedite the resolution of this case.

Similarly, it is essential that Mr. Krumme understand, for purposes of financial resources, the requirements of the NJDEP in regard to bringing this ISRA case to a close.

Third, it is important that Hexcel understand the position of the NJDEP with regard to §40 of ISRA concerning the access issues and the manner in which §40 can be applied in this case. We will be seeking clarification of the extent of support that can be expected from the NJDEP in regard to such an application. Moreover, we would like to discuss and resolve the timing provided in Department policy concerning "good faith" attempts to settle the issue of access with the 30-day time frame provided in the September 15 letter. We should also like to discuss with the Department its interpretation of this provision in the context of this case. Because they are presently in conflict we need further guidance from the Department.


Finally, there are a number of specific technical issues that require further clarification and discussion. Rather than wasting time in preparing a written response and requesting further clarification from the NJDEP, Hexcel thought it more expedient to schedule a meeting. In this regard, I refer you to the attached proposed Agenda.

Attending this meeting on behalf of Hexcel would be the following:

1. Mr. Robert Krumme (Vice Chairman of Hexcel Corporation).
2. Mr. A. William Nosil (Corporate Environmental Engineering Manager of Hexcel Corporation).
3. John M. Newman, Esq. (Porzio, Bromberg & Newman, litigation counsel in the bankruptcy proceedings with Fine Organics).
4. Lisa M. Bromberg, Esq. (Porzio, Bromberg & Newman, Environmental Counsel for Hexcel).
5. John Rhodes and Marjorie Piette of GEO Engineering (technical consultants for Hexcel).

We anticipate that the meeting should take no longer than 1 to 1 1/2 hours. We are looking forward to your successful scheduling of this meeting on Monday, October 3, 1994, at 1:00 p.m. Please confirm.

Very truly yours,


Lisa Murtha Bromberg

LMB/cad/L3963
Enclosure

cc: Mr. Robert Krumme (Via Telecopy and Regular Mail - With Enclosure)
Mr. A. William Nosil (Via Telecopy and Regular Mail - With Enclosure)
John M. Newman, Esq. (With Enclosure)
Mr. John A. Rhodes (Via Telecopy and Regular Mail - With Enclosure)

AGENDA

MEETING BETWEEN JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND REPRESENTATIVES OF HEXCEL CORPORATION

MONDAY, OCTOBER 3, 1994 AT 1:00 P.M.

- I. Clarification of procedure for submission of §40 proceeding.
 - A. Resolution of Department policy concerning "good faith efforts" pursuant to §40 actions and 30-day period provided for in the September 15 letter. Determine how to proceed in regard to the §40 action.
- II. Disposal of treated groundwater.
 - A. Application of §40 to obtain permit/application endorsements.
 - B. Enlistment of NJDEP assistance (through §40 application) to obtain cooperation of Fine Organics.
 - C. Permitting, construction and timing complications associated with reinjection, discharge to surface water, and off-site disposal.
- III. Discussion of Financial Assurance issues and rationale justifying maintenance of Letter of Credit at 4 million dollars.
- IV. Discussion of status of remaining permits required to render groundwater treatment system operational.
 - A. UCC and local permits.
 - B. Stream Encroachment Permit.
- V. Discussion of additional permits required for operation of groundwater treatment system. More specifically, review with the Department the necessity for obtaining a Stream Encroachment Permit and the ramifications of the need for a Stream Encroachment Permit. Obtain support of case manager in expediting permit process for Stream Encroachment Permit and in scheduling meeting with appropriate NJDEP personnel.
- VI. Clarification of approval of DNAPL and LNAPL approved recovery programs.
 - A. Discussion of issues involved in temporary recovery of LNAPL and DNAPL.

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VII. Discussion of timing/advisability of bedrock monitoring well and potential for cross-contamination (see paragraph 9 of September 15 letter).

VIII. Presentation of status report regarding litigation with Fine Organics in California Courts - opportunity to answer any questions the NJDEP may have in regard to this matter and opportunity to bring the Department up to date on all actions therein as they impact the satisfaction of ISRA requirements.